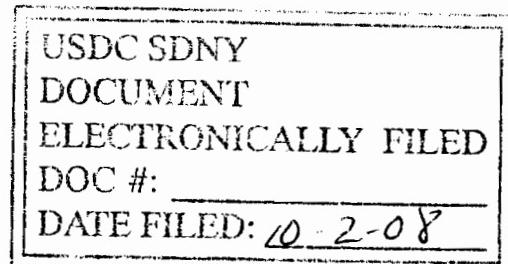


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
PHILLIP SMITH, :
: Plaintiff, : 06 Civ. 15436 (JSR)
: :
: -v- : ORDER
: :
NEW YORK CITY POLICE DEPT., et al., :
: Defendants. :
-----x
JED S. RAKOFF, U.S.D.J.



On August 27, 2008, the Honorable Kevin Nathaniel Fox, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending that the Court dismiss the instant action with respect to defendants Sgt. Anibal Amaya and Det. Thomas Henry.

Plaintiff has failed to file any objection to the Report and Recommendation, and, for that reason alone, has waived any right to further appellate review. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons stated therein, dismisses plaintiff's complaint as to defendants Amaya and Henry. Clerk to enter judgment.

SO ORDERED.

Dated: New York, NY
September 30, 2008


JED S. RAKOFF, U.S.D.J.